

**REMARKS**

Claims 1-18 are pending after entry of this paper. Claims 1-29 have been subjected to a restriction requirement.

Claims 1-7, 9, and 11-17 have been amended. Support for the amendments to claims 1 and 11 may be found throughout the instant specification, for example, at page 8, lines 26-28.

No new matter has been introduced by these amendments. Reconsideration and withdrawal of the restriction requirement in view of the above claim amendments and below remarks are respectfully requested.

**Examiner's Restriction Requirement and Provisional Election**

The Examiner has required restriction of claims 1-18 under 35 U.S.C. §§121 and 372. The Examiner has outlined two groups which allegedly fail to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner has outlined the following groups:

- Group I (claims 1-10) drawn to a method for the heat treatment of solids.
- Group II (claims 11-18) drawn to a plant for the heat treatment of solids.

Applicants provisionally elect to prosecute **Group I** encompassing claims 1-18.

Applicants make this election **with traverse**.

Traversal of Restriction Requirement

The Examiner contends that Groups I and II do not relate to a single general inventive concept because they allegedly lack the same or corresponding special technical features. Specifically, the Examiner contends that a review of U.S. Patent No. 3,578,798 to Lapple et al. (“Lapple”) “makes clear that the claimed special technical feature...is not novel over the prior art” (page 3 of the Office Action). Applicants respectfully disagree with the Examiner’s contention that the claimed special technical feature is not novel over the prior art, for the reasons set forth below.

Lapple is directed to an annular fluidized bed reactor for the thermal treatment of a granular or particle-form material (col. 1, lines 65-70). The fluidized bed reactor contains an upright centrally positioned tabular sleeve **14** (col. 1, lines 73-75). According to Lapple:

the fluidized bed materials discharged into the tube **14** are entrained by the combustion gases passing upwardly therethrough and are discharged with the gases into the freeboard space **37** in the upper portion of the vessel above the upper end **16** of the tube. (col. 2, lines 48-53)

Lapple is clear that fluidized bed materials are discharged into the tube through passages **36** formed below the upper end **16** of the tube:

In addition, the lower portion of the fluidized bed **33** is provided with a plurality of tangentially arranged passages **36** in the tube **14**, as shown in FIGS. 1 and 2. The passages **36** discharge particle-form materials from the fluidized bed **33** into the tube **14**, spiraling upwardly therethrough. (col. 2, lines 43-48)

Lapple discloses a reactor in which the solids enter the tube by means of passages **36** below the upper orifice of the tube. In contrast, amended claims 1 and 11 both require that

the gas flowing through the at least one gas supply tube entrains solids from the fluidized bed when passing through the upper orifice region of the at least one gas supply tube.

Thus, in view of the fact that Lapple does not disclose the above-mentioned element recited in both amended claim 1 and amended claim 11, applicants respectfully assert that the invention as claimed is novel and non-obvious over Lapple.

Applicants therefore request withdrawal of the restriction requirement under 35 U.S.C. §§121 and 372 for lack of unity of invention.

#### Dependent Claims

The applicants have not independently addressed all of the dependent claims. The applicants submit that for at least similar reasons as to why independent claims 1 and 11 from which all of the dependent claims 2-10 and 12-18 depend are believed to be novel and non-obvious over the prior art as discussed *supra*, the dependent claims are also novel and non-obvious.

Thus, applicants respectfully submit that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

**CONCLUSION**

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and withdrawal of the election requirement of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4791-4010.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4791-4010.

Respectfully submitted,  
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